United Nations A/CONF.217/PC/III/1

General Assembly

Distr.: General
30 June 2011

Original: English

Preparatory Committee for the United Nations Conference on the Arms Trade Treaty
Third session
New York, 11-15 July 2011

Letter dated 27 June 2011 from the Chair of the Preparatory Committee for the United Nations Conference on the Arms Trade Treaty addressed to the delegations

The third session of the Preparatory Committee for the 2012 United Nations Conference on the Arms Trade Treaty will be held from 11 to 15 July 2011 in Conference Room 1 at United Nations Headquarters in New York. More information can be found at www.un.org/disarmament.

In order to assist States in their preparations for the upcoming session of the Preparatory Committee, I have the honour to forward for your Government's consideration draft papers on implementation and final provisions (see annex), which will be the main substantive items on the draft agenda of this meeting.

The papers are based on my interpretation of the exchange of views during the first and second sessions of the Preparatory Committee, held in July 2010 and February/March 2011 respectively. I would like to stress that the papers are drafted under my own responsibility with the sole goal of facilitating a focused and fruitful discussion during the Committee's third session. They are not intended to prejudge in any way the outcome of the discussion.

(*Signed*) Roberto García Moritán
Chair

11-39671 (E) 050711

Please recycle

Annex

Draft papers on implementation and final provisions

I. Implementation

1. Each State party shall take the necessary legislative and administrative measures to adapt, as necessary, national laws and regulations to implement the obligations of this treaty.

2. The provision of this treaty shall be implemented in a manner that will avoid hampering the right of self-defence of any State party.

3. Each State party, during the implementation of its obligations under this treaty, shall assign the highest priority to ensuring that the implementation in accordance with the treaty is not discriminatory or subjective in nature, nor could represent, inter alia, political abuse.

4. Each State party shall establish a national contact point for the provision and receipt of information and requests pursuant to this treaty. Each State party shall notify the Implementation Support Unit (see article __) of its national contact point. A list of national contact points shall be maintained and distributed by the Implementation Support Unit on a quarterly basis.

A. National authority and systems: exports

5. Each State party shall establish and maintain a transparent, predictable and effective national system for authorizing and licensing the export of conventional arms under the scope of this treaty and consistent with the assessment criteria in article __.

6. Each State party shall establish a national control list of those items subject to this treaty, consistent with the terms of this treaty under article __.

7. Each State party shall take measures to ensure that it can verify or validate its authorizations. All authorizations for an export of conventional arms in accordance with the treaty must be detailed on a form and issued prior to the export. Details of the authorization shall accompany the arms shipment and be made available to transit and transshipment States upon request. The format, content and conditions of the authorizations remain a national decision of the authorizing State party.

8. Each State party shall take all necessary measures to guarantee that the *arms* that have been exported are not diverted to the illicit market or unintended user.

B. National authority and systems: imports

9. Importing States shall provide appropriate documentation and other information, including, inter alia, end-user certification, requested by the exporting State to assist the exporting State in its criteria assessment and to verify the delivery to the approved end user.

II. Final provisions

A. Depositary and authentic texts

10. The Secretary-General of the United Nations is the depositary of this treaty.

11. The original of this treaty, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

B. Signature, ratification or accession

12. This treaty shall be open to all States for signature on _____ at United Nations Headquarters in New York.

13. This treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

14. The Secretary-General of the United Nations shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this treaty and the date of the receipt of other notices.

15. Any State may, at the time of its ratification, acceptance, approval or accession, declare that it will apply provisionally this treaty pending its entry into force for that State.

C. Entry into force

16. This treaty shall enter into force on the first day of the month after the ____ day following the date of the deposit of the ____ instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

17. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this treaty, it shall enter into force on the thirtieth day following the date of deposit of their instruments of ratification or accession.

D. Withdrawal and duration

18. This treaty shall be of unlimited duration.

19. A State party may, by written notification addressed to the depositary, withdraw.